

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on

#15
TH
(ACCEPTABLE)

PATENT

By

Attorney Docket No. 13119-1-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
DUNMIRE, et al.)
Serial No.: 08/046,337) Examiner: J. Rivell
Filed: April 12, 1993) Art Unit: 3407
For: BACKFLOW PREVENTOR WITH) TERMINAL DISCLAIMER WITH
ADJUSTABLE OUTFLOW) CERTIFICATE UNDER 37 C.F.R.
DIRECTION) § 3.73(b)

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Six:

Your petitioner, CMB INDUSTRIES, of 1550 North Peach, Fresno, California, represents that Petitioner is owner by assignment of application Serial No. 08/046,337, filed April 12, 1993, for a BACKFLOW PREVENTOR WITH ADJUSTABLE OUTFLOW DIRECTION. The assignment was recorded at reel 6184, frames 0758 and reel 6215, frame 068. Your Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the full statutory term, as presently shortened by any terminal disclaimer, of United States Patent No. 5,226,441 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 5,226,441, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, the grantee's successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of United States Patent No. 5,226,441 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is

statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above. Petitioner expressly reserves and does not waive the right to extend the term of any patent granted on the above-identified application under any statute which permits such an extension of term.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 4 Nov 94

CMB INDUSTRIES,

By: 

James F. Hann
Reg. No. 29,719
Attorney for Petitioner

Law Offices
TOWNSEND and TOWNSEND KHOUIRE and CREW
Patents, Trademarks, and Copyrights, Antitrust, Commercial Litigation

Palo Alto Office
379 Lytton Avenue
Palo Alto, California 94301
(415) 326-2400
Palo Alto Fax (415) 326-2422

Twentieth Floor
Steuart Street Tower
One Market Plaza
San Francisco, California 94105
(415) 543-9600
Fax (415) 543-5043

Seattle Office
1201 Third Avenue
Suite 2600
Seattle, Washington 98101

TELECOPIER COVER SHEET

IMPORTANT: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and/or exempt from disclosure by applicable law or court order. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above San Francisco address via the United States Postal Service. Thank you.

Phone: (415) 543-9600, FAX: (415) 543-5043 or (415) 777-4877

November 4, 1994

To: EXAMINER RIVELL, ART UNIT 3407- ATTN: JAN HURLEY
From: James F. Hann, Esq.
Client Number: 13119-1-3
Number of Pages (including this page): 3
At FAX Number: 703 305-3464
If you have any problems with reception, please call Florence La Fontant
at extension 4659.

Message or Special Instructions:

U.S. Serial No. 08/046,337
Filed April 12, 1993
BACKFLOW PREVENTOR WITH ADJUSTABLE OUTFLOW DIRECTION

FAXED _____

RETURN TO _____